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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/609,000

06/26/2003

Steven Reynolds

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06/25/2010

SCHWEGMAN, LUNDBERG & WOESSNER/OPEN TV

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EXAMINER

INGVOLDSTAD, BENNETT

ART UNIT

PAPER NUMBER

2427

NOTIFICATION DATE

DELIVERY MODE

06/25/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/609,000	<b>Applicant(s)</b> REYNOLDS ET AL.	
	<b>Examiner</b> Bennett Ingvoidstad	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5 April 2010 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 5 April 2010 have been fully considered.

Applicant argues that Cheok fails to teach receiving two video signals from two separate feeds. Remarks at 12–13. The examiner disagrees. Cheok teaches that video information is received in a first information receiving step from at least one MPEG stream. See Fig. 4, step 401. The "at least one" stream may comprise multiple streams because one or more objects may be combined together to compose a scene. Fig. 4, step 405. Therefore, multiple streams or "feeds" may be received by the system of Cheok.

The remainder of Applicant's arguments are moot in view of the new rejections.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1–17, 19–31, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheok (US 6934906) in view of Jeannin (US 2002/0083469).**

Claim 1: Cheok discloses a method of producing a video signal from a system for outputting video programming to at least one viewer, said method comprising:

receiving a first video signal at said system, the first video signal representing a first video feed (Fig. 4: step 401 includes receiving at least one media stream);

processing said first video signal to produce a first image stored in memory of said system (402 [Fig 4], information may be an image [col. 3, l. 56]), said first image not intended to be displayed independently (object is combined into a scene 405 [Fig 4]);

receiving a second video signal at said set top box, the second video signal representing a second video feed different from the first video feed (Fig. 4: step 401 includes receiving “at least one” media stream, i.e. more than one media stream may be received);

processing said second video signal to produce a second image stored in said memory of said system, said second image not intended to be displayed independently (402, 405 [Fig 4], information may be an image [col. 3, l. 56]);

receiving a presentation description in said system (Fig. 2: scene description info 225 and integration instructions 222), said presentation description comprising a set of instructions that define a manner in which a portion of said first image and a portion of said second image are combined (scene description information 225 and integration instructions 222 [col. 4, l. 56 – col. 5, l. 38] for creating scene 250 or 556. The images may be overlaid on each other as in scene 556, thus only portions of the images are displayed), the manner in which the images are combined being selected from a plurality of different manners of image combinations (the manner of combination is context dependent [col. 3, l. 44-46], thus a plurality of manners are defined based on context), and the presentation description instructions also defining a sequence of operations performed over time (e.g. moving objects [col. 3, l. 61-67]);

combining said portion of said first image with said portion of second image in accordance with said selected manner in which the images are combined of said presentation description to produce a combined image (e.g. scenes 250 or 556); and

outputting said combined image as said video signal as part of said video programming to said at least one viewer (scene 250 on display device [Fig 2]).

Cheek does not further explicitly teach that the selected manner is chosen based on user preference information in the system.

Jeannin teaches a similar method for composing an MPEG-4 scene from multiple objects (para. 0032) including advertising objects (para. 0033). The method comprises providing objects in accordance with a user preference of the system by which a user selects which type of advertisements should be displayed (para. 0039).

It would have been obvious to apply Jeannin's method for composing an MPEG-4 scene based on user preferences to Cheok's method of composing an MPEG-4 scene for the purpose of only displaying the objects that are desired by a user.

Claim 2: Cheok further discloses applying a mask that defines said portion of said first image (overlying applications on images [col. 8, l. 35-43], also scene 556 [Fig 5]).

Claims 3 and 4 are rejected over Cheok's logical/mathematical combination of the decoded AV media objects 541 into a composite scene 556 [Fig 5].

Claim 5: Cheok further discloses scaling said portion of said first image (media objects' size can be adjusted [col. 3, l. 5-10]).

Claim 6 is rejected in view of the claim 5 rejection construing "scaling" as a type of "warping".

Claim 7: Cheok further discloses fetching accessing said presentation description across a network [col. 5, l. 38-50].

Claim 8: Cheok further teaches receiving a network address at which said presentation description can be accessed (downloading from a network [col. 3, l. 3-6] implies receiving an address); and fetching said presentation description from said network address [col. 3, l. 3-6].

Claim 9: Cheok further discloses selecting said presentation description from a plurality of presentation descriptions contained in said first video signal (different information is shown depending on context [col. 3, l. 43-67]).

Claim 10: Cheok further discloses modifying said presentation description in response to input from said at least one viewer [col. 3, l. 43-67].

Claim 11: Cheok further teaches:

processing said first video signal to produce first audio data stored in said memory of said system (media objects may be audio objects [col. 10, l. 27-30]);

processing said second video signal to produce second audio data stored in said memory of said set top box [col. 10, l. 27-30];

accessing said presentation description that describes the manner in which said first audio data and said second audio data are combined (scene description information 225 and integration instructions 222 [col. 4, l. 56 – col. 5, l. 38]); and

combining said first audio data and said second audio data in accordance with said presentation description (combining to form composite audiovisual scene 550 [Fig 5]).

Claim 12. Cheok in view of Jeannin further teaches a method as discussed above, Cheok's media objects further comprising videos or animation (col. 4, l. 50, 51) and thus comprising sequences of images; and Jeannin further teaching multiple methods of displaying objects in a video scene based on user preferences (para. 0039: e.g. showing or not showing certain ad types) and thus multiple presentation descriptions, each object/presentation having an identifier corresponding to user

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preferences (para. 0039: e.g. a type identifier for identifying an ad as a “car” or “gadget” ad) so that user preferences dictate which objects are presented (para. 0016; para. 0039).

Claim 13: Cheok further discloses applying a mask specified in said presentation description that defines said portion of said first sequence of images (overlying applications on images [col. 8, l. 35-43], also scene 556 [Fig 5]).

Claim 14: Cheok further discloses executing program code that modifies said mask to select a different portion of at least one image of said first sequence of images (modifying the scene [col. 3, l. 44-67]).

Claims 15 -17 and 19 are rejected as indicated in the rejections of claims 3-5 and 10, respectively.

Claim 20. Cheok in view of Jeannin further teaches a method as discussed above, and further teaches a transmitter for transmitting the first and second digital video signals with the image combination code and the presentation description (the receiver method of Cheok’s Fig. 4 implies a transmitter; see also Cheok’s scene description information 225 and integration instructions 222 [col. 4, l. 56 – col. 5, l. 38]).

Claim 21: Cheok further discloses transmitting a network address that said set top box employs to access said presentation description [col. 3, l. 3-6].

Claim 22: Cheok further discloses transmitting said presentation description to said set top box as a part of said first digital video signal (540 and 541 are both received from network [Fig 5]).



Claim 23: Cheek further discloses selecting said presentation description from a plurality of presentation descriptions wherein said presentation description conforms to the requirements of said set top box [col. 3, l. 43-67].

Claim 24: Cheek further discloses altering a general presentation description to conform to the requirements of said set top box (adapting and preprocessing decoder and integration instructions for executing by a processor [col. 5, l. 1-10]).

Claim 25: Cheek further discloses tailoring a general presentation description to correspond to a viewer preference [col. 3, l. 44-67].

Claim 26: Cheek further discloses transmitting a plurality of presentation descriptions to said set top box from which said set top box selects one presentation description that conforms to the requirements of said set top box (selection based on context [col. 3, l. 44-67]).

Claim 27. Cheek in view of Jeannin further teaches a receiver system for implementing the above methods, the system comprising a processor (210 [Fig 2]); a memory, said memory coupled to said processor (220 [Fig 2]); a tuner/decoder (network interface 250 [Fig 2]); a video controller (composition renderer - Fig 5) a program code (instructions 221 and 222 [Fig 2] for composing the scene [col. 9, l. 7-9]); and a video output unit (display device 230 [Fig 2]).

Claim 28: Cheek further discloses a network interface that accesses a remote server to obtain said presentation description (250 [Fig 2], for downloading scene description [col. 3, l. 3-6]).

Claim 29: Cheek further discloses wherein said decoder further produces first audio data in said memory from said first video information and produces second audio data in said memory from said second video information (first and second media objects may be audio objects [col. 10, l. 27-30]).

Claim 30: Cheek further discloses wherein said presentation description further specifies the manner in which said first audio data is combined with said second audio data (scene description information 225 and integration instructions 222 specify how media objects are combined [col. 4, l. 56 – col. 5, l. 38]).

Claim 31: Cheek further discloses a user interface that receives an input from said at least one viewer that modifies said presentation description [col. 3, l. 44-67].

Claim 33: Cheek further discloses a software routine that controls said decoder to perform at least part of the combination of said portion of said first video image and said portion of said second video image in a manner specified by said presentation description (decoder/integration instructions 221 and 222 [Fig 2]).

Claim 34: Cheek further discloses a software routine that selects said presentation from a plurality of presentation descriptions contained in said first video signal [col. 3, l. 44-67].

**Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheek in view of Jeannin and Duncombe (US 6792573).**

Claim 18. Cheek in view of Jeannin does not further teach that the user preferences comprise viewer demographics.

Duncombe teaches a method of combining scene objects to form a composite scene, the scene objects being combined based on a user profile which comprises demographic data (Fig. 6c; col. 12, ll. 32–41).

It would have been obvious to use demographics data in the user profile, as taught by Duncombe, for the purpose of further refining the selection of content by using additional user preference criteria such as demographics.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571) 270-3431. The examiner can normally be reached on M–F 9–5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bennett Ingvaldstad/  
Examiner, Art Unit 2427

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427